

MINUTES
SCOTTSDALE CITY COUNCIL
CITY COUNCIL MEETING
Tuesday, August 27, 2002

**The Kiva
City Hall
Scottsdale, Arizona**

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TUESDAY, AUGUST 27, 2002

Call to Order – City Hall Kiva Forum

Mayor Manross called to order a regular meeting of the Scottsdale City Council on Tuesday, August 27, 2002, at 5:16 PM.

Roll Call

Present: Mayor Mary Manross
Vice Mayor David Ortega
Council Members Ned O'Hearn, Tom Silverman, Robert Littlefield,
Wayne Ecton and Cynthia Lukas

Also Present: City Manager Jan Dolan
Assistant City Manager Roger Klingler
City Attorney David Pennartz
City Clerk Sonia Robertson

Pledge of Allegiance

Vice Mayor Ortega led the audience in the pledge.

Invocation

Pastor Ron Sands of the Scottsdale Church of the Nazarene delivered the invocation.

Public Comment

Leon Spiro, 7814 E Oberlin Way, 85262, presented photos of barriers along Antioch Street and discussed his concerns about blocked access. He wondered why this violation was allowed to continue.

Minutes

VICE MAYOR ORTEGA MOVED FOR APPROVAL OF THE SPECIAL MINUTES OF JULY 2, 2002 AND THE REGULAR MINUTES OF JUNE 17, JUNE 18, JULY 1 and JULY 2, 2002. COUNCILWOMAN LUKAS SECONDED THE MOTION WHICH CARRIED 7-0.

CONSENT AGENDA ITEMS 1-18

1. **NOYZ Liquor License Request**

To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a person and location transfer for a series 6 (Bar) state liquor license.

Address: 4224 N. Craftsman Court

Reference: City Case # 58-LL-2002, State License #06070188

Staff Contact: Jeff Fisher, Interim Plan Review & Permit Services

Director, 480-312-7619, jefisher@ci.scottsdale.az.us

Vice Mayor Ortega declared a potential conflict of interest (ARS 38-401) and left the dais.

COUNCILMAN SILVERMAN MOVED FOR APPROVAL OF LIQUOR LICENSE #58-LL-2002. COUNCILWOMAN LUKAS SECONDED THE MOTION WHICH CARRIED 6-0 WITH VICE MAYOR ORTEGA ABSTAINING.

Item 16 was removed from the Consent Agenda for separate discussion.

2. **AJs # 118 Liquor License Request**

To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a location & person transfer of a series 06 (bar) state liquor license.

Address: 15031 N. Thompson Peak Parkway

Reference: City Case # 59-LL-2002, State License #06070294

Staff Contact: Jeff Fisher, Interim Plan Review & Permit Services Director,
480-312-7619, jefisher@ci.scottsdale.az.us

3. **Fox Sports Grill Liquor License Request**

To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a new series 12 (restaurant) state liquor license.

Address: 16203 N. Scottsdale Road, Building 1

Reference: City Case # 60-LL-2002, State License #12075232

Staff Contact: Jeff Fisher, Interim Plan Review & Permit Services Director,
480-312-7619, jefisher@ci.scottsdale.az.us

4. **D's Market Liquor License Request**

To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 10(Beer & Wine Store) state liquor license.

Address: 3640 N. Miller Road

Reference: City Case # 61-LL-2002, State License #10074365

Staff Contact: Jeff Fisher, Interim Plan Review & Permit Services Director,
480-312-7619, jefisher@ci.scottsdale.az.us

5. Drift Liquor License Request

To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a new series 12 (restaurant) state liquor license.

Address: 4341 N. 75th Street

Reference: City Case # 62-LL-2002, State License #12075236

Staff Contact: Jeff Fisher, Interim Plan Review & Permit Services Director,
480-312-7619, jefisher@ci.scottsdale.az.us

6. Shanghai Palace Liquor License Request

To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a person & location transfer for a series 7 (Beer & Wine) state liquor license.

Address: 7901 E. Thomas Road, Suite #108

Reference: City Case # 63-LL-2002, State License #07070073

Staff Contact: Jeff Fisher, Interim Plan Review & Permit Services Director,
480-312-7619, jefisher@ci.scottsdale.az.us

7. San Felipes Cantina Liquor License Request

To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a new series 12 (restaurant) state liquor license.

Address: 20825 N. Pima Road

Reference: City Case # 64-LL-2002, State License #12075241

Staff Contact: Jeff Fisher, Interim Plan Review & Permit Services Director,
480-312-7619, jefisher@ci.scottsdale.az.us

8. The Swamp Stomp Liquor License Request

To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a person & location transfer for a series 6 (Bar) state liquor license.

Address: 10201 N. Scottsdale Road, Suite I-7

Reference: City Case # 65-LL-2002, State License #06070636

Staff Contact: Jeff Fisher, Interim Plan Review & Permit Services Director,
480-312-7619, jefisher@ci.scottsdale.az.us

9. Blue Horse Tavern Liquor License Request

To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a new series 12 (restaurant) state liquor license.

Address: 7243 E. Camelback Road

Reference: City Case # 66-LL-2002, State License #12075242

Staff Contact: Jeff Fisher, Interim Plan Review & Permit Services Director,
480-312-7619, jefisher@ci.scottsdale.az.us

10. Veneto Trattoria Liquor License Request

To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a person & location transfer for a series 7(Beer & Wine Bar) state liquor license.

Address: 6137 N. Scottsdale Road, Suite B-115

Reference: City Case # 67-LL-2002, State License #07070654

Staff Contact: Jeff Fisher, Interim Plan Review & Permit Services Director,
480-312-7619, jefisher@ci.scottsdale.az.us

11. Dukes Bar & Grill Permanent Extension of Premises

To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises of an existing bar.

Address: 7607 E. McDowell Road, Suite 110

Reference: 10-EX-2002

Staff Contact: Jeff Fisher, Interim Plan Review & Permit Services Director,
480-312-7619, jefisher@ci.scottsdale.az.us

12. DC Ranch Parcel G.1, G.2/G.4, G.3 & 5.1 Subdivision Final Plat

Request to approve a two hundred three (203) lot single-family subdivision (consisting of four components) on a parcel of approximately 128 acres.

Address: Near Thompson Peak Parkway and Desert Camp Drive

Reference: 12-PP-2001

Staff Contact: Kurt Jones, Project Coordinator Manager, 480-312-2524,
kjones@ci.scottsdale.az.us

13. DC Ranch Parcels 2.17, 2.18 and 2.19 Subdivision Final Plat

Request to:

1. Approve an eighty-three (83) lot single-family subdivision on a parcel of approximately 61.3 acres, and
2. Adopt Resolution No. 6139 authorizing Park Agreement No. 2002-123-COS.

Address: East of 96th Street and south of Desert Campe

Reference: 13-PP-2001

Staff Contacts: Kurt Jones, Project Coordinator Manager, 480-312-2524,
kjones@ci.scottsdale.az.us

14. DC Ranch parcel 6.14 Subdivision Final Plat

To approve a nineteen (19) lot single-family subdivision on a parcel of approximately 60 acres.

Address: Windgate Pass Road

Reference: 17-PP-2001

Staff Contact: Kurt Jones, Project Coordinator Manager, 480-312-2524,
kjones@ci.scottsdale.az.us

15. DC Ranch parcel 2.3B Subdivision Final Plat

To approve a nine (9) lot single-family subdivision on a parcel of approximately 2.2 acres.

Address: South of Thompson Peak Parkway, East of Pima Road

Reference: 20-PP-2001

Staff Contact: Kurt Jones, Project Coordinator Manager, 480-312-2524,
kjones@ci.scottsdale.az.us

16. Removed from Consent Agenda for separate discussion. See below.

17. Miller 1700 Subdivision Plat

To approve a four (4) lot townhouse subdivision on a parcel of approximately 0.61 acres.

Address: 1700 N. Miller Road

Reference: 8-PP-2001

Staff Contact: Jayna Shewak, Project Coordinator Manager, 480-312-7059,
jshewak@ci.scottsdale.az.us

18. Moody Brew Coffee Shop Use Permit Request

This request is for a conditional use permit for a 2,000± square-foot coffee shop/restaurant located at 8445 E Hartford Drive with Industrial Park, Planned Community Development (I-1 PCD) zoning.

Address: 8445 E. Hartford Drive

Reference: 9-UP-2002

Staff Contact: Tim Curtis, Project Coordinator Manager, 480-312-4210,
tcurtis@ci.scottsdale.az.us

COUNCILWOMAN LUKAS MOVED FOR APPROVAL OF CONSENT AGENDA ITEMS 2 THROUGH 18 WITH THE EXCEPTION OF ITEM 16. COUNCILMAN ECTON SECONDED THE MOTION WHICH CARRIED UNANIMOUSLY 7-0.

Item 16 removed from Consent Agenda for separate discussion:

16. Horseman's East Amended Subdivision Plat

To approve an amended plat for the Horseman's Park subdivision revising lot lines of lots 5 and 92 to avoid impacting the 404 Jurisdictional Waterways and to allow for an unobstructed drainage path.

Address: East of 98th Street, North of McDowell Mountain Ranch Road

Reference: 7-PP-2000#2

Staff Contact: Kurt Jones, Project Coordinator Manager, 480-312-2524,
kjones@ci.scottsdale.az.us

Kroy Ekblaw explained this amendment involved two lot lines and was a minor adjustment to allow for an unobstructed drainage path.

Leon Spiro, 7814 E Oberlin Way, 85262, asked why this subdivision had cul-de-sacs exceeding the proper length and what was the length of a city block in this subdivision. He also had questions about erecting permanent structures on pertinent easements. He requested a written opinion from the City Attorney. These parcels are assemblages of general land office (GLO) which call for roadway and public utility easements of not more than 33 ft.

Mr. Ekblaw explained there were general design principles within the code and flexibility was allowed. The issue of 400 ft cul-de-sac and 1500 ft block were design standards and neither were deemed a concern by the Design Review Board.

Responding to further questioning by Mr. Spiro, City Attorney Pennartz said this was not an abandonment case so Mr. Spiro's items of concern were not in front of the council tonight. The city does not in any manner affect any private easement rights as they exist under the GLO patent, neither do we provide legal advice to property owners.

COUNCILWOMAN LUKAS MOVED FOR APPROVAL OF HORSEMAN'S EAST AMENDED SUBDIVISION PLAT 7-PP-2002#2. COUNCILMAN SILVERMAN SECONDED THE MOTION WHICH CARRIED UNANIMOUSLY 7-0.

REGULAR AGENDA

19. Consider Questions Asked on Board and Commission Applications.

This item is brought forward at Council request. The purpose of the item is to give the Mayor and Council the opportunity to discuss and give direction on whether the applications for Board and Commission vacancies should request information from applicants on whether they have been charged with a criminal offense and related topics.

References: Art. 5, Sec. 1 of the Charter and Scottsdale Revised Code, Sec. 2-241.

Staff contact: David A. Pennartz, City Attorney, (480) 312-2405, dpennartz@ci.scottsdale.az.us

Mr. Pennartz explained that strictly as a legal matter, it was acceptable to include this question on the Board and Commission application and the Council has the discretion to do so or not. The three options were to remove the question, leave it as written, or reword the question to only reference convictions.

Vice Mayor Ortega said he did not believe this question prejudiced a selection of an applicant and believed it was necessary to have disclosure as a security provision.

COUNCILMAN ECTON MOVED TO APPROVE OPTION C, TO REWORD THE QUESTION. COUNCILMAN LITTLEFIELD SECONDED THE MOTION.

Councilman Ecton explained there were a lot of possibilities in our society for unfounded charges to come forth and he did not feel this question was appropriate and could be considered harassment to keep some people from applying.

Councilman Littlefield said he had looked at other applications on the internet and most of those ask about convictions, not charges. We are only asking for advice from these applicants.

Vice Mayor Ortega pointed out some instances in other cities where Mayors were later embarrassed to find out that they had appointed ex-cons.

Responding to Councilman O'Hearn, Ms. Dolan said this question had only been on the applications for a short time, a couple months, and she was not aware of a case in the last 50 years where the city had been embarrassed. Councilman O'Hearn continued that this was a volunteer board and this question might discourage people from applying. If something was not broken, why fix it. He would only support Option A, to remove the question.

Mayor Manross pointed out that these folks do have to make some critical decisions and she would like to think they could be given a high level of trust.

Councilwoman Lukas said this question might be useful on certain boards that deal with judges or personnel matters and felt it would be useful and reasonable to have Option C.

COUNCILMAN ECTON WITHDREW HIS MOTION FOR OPTION C AND MOVED TO APPROVE OPTION A, TO REMOVE THE QUESTION. COUNCILMAN O'HEARN SECONDED THE MOTION.

Mayor Manross said she could not support Option A.

Councilman Silverman said he did not think this was necessary and he would support the motion.

Vice Mayor Ortega believed the question needed to be asked and stated that not to do so would leave the city with liability. He could not support the motion.

THE MOTION FOR OPTION A, TO REMOVE THE QUESTION, CARRIED 4-3 WITH MAYOR MANROSS, COUNCILWOMAN LUKAS, AND VICE MAYOR ORTEGA DISSENTING.

Public Comment - NONE

City Manager's Report - NONE

Mayor and Council Items - NONE

Adjournment

With no further business to discuss, the meeting adjourned at 6:05 PM.

Submitted by

Sandy Dragman
Recording Secretary

Reviewed by

Sonia Robertson
City Clerk

C E R T I F I C A T E

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular City Council Meeting of the City Council of Scottsdale, Arizona held on the 27th day of August 2002.

I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this _____ day of August 2002.

SONIA ROBERTSON
City Clerk